


REMARKS

Applicant thanks the Examiner for a thorough search. In this response, Claims 7-15 are added, and no claims have been amended or cancelled. Thus Claims 1-15 are now pending in the application. Each issue raised in the Office Action mailed December 5, 2003 is addressed hereinafter.

I. 35 U.S.C. § 102(e): Rejection of Claims 1 and 5

The Office Action rejects claims 1 and 5 under 35 U.S.C. § 102(e) as being anticipated by Sladek et al., U.S. No. 6,622,016 (hereinafter "Sladek"). The rejection is respectfully traversed.

Claims 1 to 5 each recite a method to systematically **analyze** a next generation telecommunications network to result in **creating a provisioning plan and procedures for provisioning the network**. In contrast, Sladek only describes actual provisioning of certain aspects of a next generation network. Sladek has no disclosure of performing any analysis before actually provisioning, and no disclosure of creating a plan or procedures for provisioning. 

The Office Action states that "Sladek discloses a method to systematically analyze a next generation telecommunications network to result in creating a provisioning plan and procedures for provisioning the network to provide services for one or more subscribers," citing Sladek col. 10-11 lines 57-10. This is incorrect. The cited portions of Sladek merely describe broad attributes of generic circuit-switched networks and next-generation networks. The cited portions do not disclose a method to

systematically analyze the network, create a provisioning plan or provisioning procedures.



The Office Action states that Sladek shows “the steps of creating and storing information that represents a logical decomposition of the next generation network into a plurality of discrete functional areas,” citing FIG. 2 and FIG. 3. This is incorrect. FIG. 2 and FIG. 3 are block diagrams of generic networks with broken-line boxes around certain elements or groups of elements. However, FIG. 2 and FIG. 3 do not teach creating or storing information about the networks or their functional areas.



The Office Action states that Sladek teaches “analyzing the information representing the functional areas to identify one or more provisioning requirements for each of the functional areas; defining one or more provisioning procedures and identifying one or more required provisioning tools for each of the functional areas, based on the provisioning requirements; and creating and storing a sequence of execution of the procedures and tools as the provisioning plan,” citing Sladek col. 6 lines 10-22, col. 7 lines 37-54, col. 16-17 lines 66-28, col. 17-18 lines 55-10, and col. 18-19 lines 65-10. This is incorrect.

In general, the cited portions of Sladek describe performing actual provisioning of a network but without performing any of the steps that are quoted above and that are recited in the claims. Col. 6 lines 10-22 say that a service overlay is provisioned in the network for a subscriber in response to a stimulus associated with the subscriber. Col. 7 lines 37-54 state that a stimulus is detected and a subscriber profile is modified. Col. 16-17 lines 66-28 state that a provisioning system loads service profile information and modifies the profile in response to stimulus. Col. 17-18 lines 55-10 describe a subscriber filling in a form to provide service provisioning data, followed by provisioning services

based on the information. Such user action followed by actual provisioning does not constitute the steps of analyzing, defining, identifying, and creating a provisioning plan as claimed. Col. 18-19 lines 65-10 again describe modifying a profile in response to a stimulus.

None of the foregoing steps involves performing the claimed steps to result in creating a provisioning plan, through systematic analysis, prior to provisioning a network. Thus Applicant respectfully submits that Sladek does not anticipate independent claims 1 and 5, because Sladek does not disclose the claimed “defining ... provisioning procedures and identifying ... provisioning tools for each of the functional areas, based on the provisioning requirements.”

As background, functional areas in the present application broadly refer to partitions that are “created to isolate and separate devices by their roles and responsibilities in delivering network services” (Applicant’s specification, page 11, line 3-4). Some examples of these functional areas include, without limitation, subscriber customer premise equipment (“CPE”), access network and core network, and switch and other processors (Specification, page 11, Table 1). Provisioning tools, such as, without limitation, Element Management System, Dynamic Host Configuration Protocol server, and Domain Name System server, are identified to carry out the defined provisioning procedures for each of the functional areas (Specification, page 14 – 15).

Sladek, on the other hand, describes a method and system that “provide a subscriber with a service overlay in response to a designated stimulus,” which may involve “modifying the subscriber’s ‘base’ set of services” (Sladek, col. 6, lines 11-16). Although the Office Action refers to a number of embodiments in Sladek to support the 35 U.S.C. § 102(e) rejection (Office Action, pages 2-3, item 2), each of the embodiments,

the provisioning system 148 (Sladek, col. 16-17, lines 66-28), the Wireless Access Protocol server and the subscriber station (Sladek, col. 17-18, lines 55-10), and the “exemplary embodiment” (Sladek, col. 18-19, lines 65-10), only illustrates provisioning of additional services for a subscriber. None of the embodiments discloses defining different provisioning procedures to accommodate the provisioning requirements of multiple functional areas in a next generation telecommunications network or identifying the appropriate provisioning tools to carry out the procedures.

Thus, for at least the reasons set forth above, claims 1 and 5 are patentable over Sladek.

New claims 7-15 present subject matter similar to claim 1 and claim 5, but new independent claim 7 clarifies that the systematic analysis method is performed prior to actual provisioning of the next-generation network, and that later provisioning of the network is performed according to the provisioning plan that is created in the steps that are recited as the body of claim 7.

Other new claims present subject matter disclosed in the specification and not found in the cited references. For example, claim 13 features (including the subject matter from which it depends) defining one or more individual device settings for the setup and storing the individual device settings in a database for use later in actual provisioning; identifying one or more of an Element Management System, Dynamic Host Configuration Protocol server, and Domain Name System server as the required provisioning tools; and storing in a database table associations of information identifying the functional areas, individual device settings for the setup, and required provisioning tools. These features are not found in the cited references.

II. 35 U.S.C. § 102(e): Rejection of Claim 2

The Office Action rejects claim 2 under 35 U.S.C. § 102(e) as being anticipated by Sladek. Because claim 2 depends directly on claim 1, claim 2 includes each and every feature of claim 1 identified above to distinguish Sladek. Therefore claim 2 is patentable over Sladek for at least the same reasons set forth above.

III. 35 U.S.C. § 102(e): Rejection of Claim 3, 4, and 6

The Office Action rejects claim 3, 4, and 6 under 35 U.S.C. § 102(e) as being anticipated by Sladek. Because claims 3-4 and 6 depend either directly or indirectly on claims 1 and 5, claims 3-4 and 6 include each and every feature of claim 1 or claim 5 identified above to distinguish Sladek. Therefore claim 3-4 and 6 are patentable over Sladek for the same reasons set forth above with respect to claims 1 and 5.

IV. Conclusions

In view of the forgoing remarks, Applicant respectfully submits that the allowance of the pending claims 1-15 is appropriate and such action is earnestly solicited.

The Examiner is invited to telephone the undersigned at (408) 414-1080 to discuss any issue that may advance prosecution.

No fee is believed to be due specifically in connection with this Response. To the extent necessary, the Commissioner is authorized to charge any fee that may be due in

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connection with this reply to our Deposit Account No. 50-1302.

Respectfully submitted,

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Dated: February 20, 2004




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on Feb 20, 2004
(Date)

by 
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